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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,297	07/29/2003	Hyon-Myong Song	678-1050 (P10325)	6471
28249	7590	09/21/2006	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			THOMPSON, MELISSA	
			ART UNIT	PAPER NUMBER
			1745	
DATE MAILED: 09/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,297

Applicant(s)

SONG ET AL.

Examiner

Melissa B. Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

IDS

There were no IDS to consider at the time of this office action, September 07, 2006.

Oath/Declaration

The oath/declaration has been reviewed and there were no errors found within it.

Drawings

The drawings have been reviewed and there were no errors found in them.

Specification

1. The disclosure is objected to because of the following informalities: Page 11 line 21, the number "201" should be written as "210" as the text is referring to the button member which is indicated at 210 in previous places.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Remes et al. (U.S. Patent Number 6060193).

Remes et al. disclose a battery pack locking device that includes both a first and second locking section in column 1 lines 57-62. Remes et al. includes a push button and a spring that holds the locking piece in a raised position, acting as a support for the battery pack, as defined in the applicants' claim 1, in column 2 lines 48-56.

4. Claims 2-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Komiyama (U.S. Patent Number 5621618).

Komiyama discloses a battery pack locking device with a button member mounted on the lower casing frame with a first locking release section; with a locking protrusion or stationary hook that extends toward the battery pack facing the button member seen in Figure 3A and 3B. The second locking release section or movable hook, moves when the button member is pushed described in column 3, lines 3-6. Komiyama discloses a lock retaining section or a recess that keeps the battery locked or allows it to be released when the spring or elastic section moves the locking hook seen in Figures 2A-2C, as defined in applicants' claim 2. With regard to claim 3, Komiyama discloses the first and second locking section having a round surface, and that the elastic section is elastically deformed when the button is pushed releasing battery pack as seen in Figures 2A-2C. Komiyama discloses the lock retaining section with a round lower surface, as defined in applicants' claim 4, seen in Figures 2A-2C. With regard to

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claim 5, Komiyama discloses a lock retaining section with an inclined surface in column 3, lines 24-25. Komiyama includes a support sections protruding from the end of the battery pack, as seen in Figure 3B, and includes support grooves which engage with the support sections, as defined in applicants' claim 6, in column 3, lines 10-11.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-9 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Burke (U.S. Patent Number 4358877).

Burke defines two separate pieces, a socket part and a tongue part. The tongue part fits into the socket part as seen in Figure 1. Burke includes a button member mounted on the socket part with a pair of spaced tension members located inside the housing. Burke includes a rod inside the socket that contains inner protrusions for locking the tongue. The protrusions fit into the spaced tension sections when the tongue is fit into place. Burke includes two metal plates that act as a groove for the tongue to slide into. When the button of the socket is pushed, the rod, which is attached to a spool, moves up and out of the

protrusions releasing the tongue from the locking position, defined in the applicant's claims 7-9, in columns 3 and 4.

Burk includes all of the elements of claims 7-9, as described in the paragraph above, but does not include a battery pack. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this kind of locking mechanism into a battery pack. This kind of lock prevents movement between the two pieces unless the button is depressed. By incorporating this kind of lock into a battery pack, unwanted separation of the two pieces could be avoided.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa B. Thompson whose telephone number is (571)272-2758. The examiner can normally be reached on 8am to 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571)272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MBT



PATRICK JOSEPH RYAN
SUPERVISORY PATENT EXAMINER